

112TH CONGRESS
2D SESSION

H. R. 4233

To establish the National Geospatial Technology Administration within the United States Geological Survey to enhance the use of geospatial data, products, technology, and services, to increase the economy and efficiency of Federal geospatial activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2012

Mr. LAMBORN introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Oversight and Government Reform, Science, Space, and Technology, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the National Geospatial Technology Administration within the United States Geological Survey to enhance the use of geospatial data, products, technology, and services, to increase the economy and efficiency of Federal geospatial activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Map It Once, Use It Many Times Act”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings.
 Sec. 3. Purposes.
 Sec. 4. Definitions.

TITLE I—NATIONAL GEOSPATIAL TECHNOLOGY ADMINISTRATION

Sec. 101. Definitions.
 Sec. 102. National Geospatial Technology Administration.
 Sec. 103. Establishment and maintenance of National Geospatial Database.
 Sec. 104. Reorganization of geospatial and land management activities.
 Sec. 105. Promulgation of standards for Federal geospatial data.
 Sec. 106. Protection of geospatial data.
 Sec. 107. Assumption of geospatial functions of other Federal agencies.
 Sec. 108. Acquisition of geospatial data from public sources.
 Sec. 109. Acquisition of geospatial data from commercial sources.

TITLE II—NATIONAL GEOSPATIAL POLICY COMMISSION

Sec. 201. Establishment; primary duties.
 Sec. 202. Requirements for National Geospatial Data Plan.
 Sec. 203. Membership.

TITLE III—CONTRACTOR PERFORMANCE OF FEDERAL GEOSPATIAL ACTIVITIES

Sec. 301. Policy.
 Sec. 302. Definitions.
 Sec. 303. Conversion to contractor performance.
 Sec. 304. Requirement for performance in United States.

TITLE IV—ENCOURAGING PRIVATE ENTERPRISE

Sec. 401. Findings; purposes.
 Sec. 402. Strategy for encouraging Federal use of private geospatial firms.

TITLE V—GEOSPATIAL RESEARCH AND DEVELOPMENT

Sec. 501. Purposes.
 Sec. 502. Definitions.
 Sec. 503. Geospatial Research Plan.
 Sec. 504. Policy directives for research and development.
 Sec. 505. Annual report.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

5 (1) Geospatial data is necessary and essential
 6 to—

1 (A) the management of natural resources;

2 (B) economic development;

3 (C) the management, adjudication, and
4 prevention of future disruptions in the home
5 mortgage system;

6 (D) the development and implementation
7 of a smart energy grid;

8 (E) the deployment of universal domestic
9 broadband service;

10 (F) the management of Federal real prop-
11 erty assets;

12 (G) emergency preparedness and response;

13 (H) homeland security;

14 (I) the delivery of efficient health care and
15 other services provided, financed, or regulated
16 by the Federal Government; and

17 (J) the maintenance, rehabilitation, and
18 enhancement of public works, transportation,
19 and other infrastructure of the United States.

20 (2) The geospatial technology field is a high
21 growth, high demand, and economically vital sector
22 of the economy of the United States.

23 (3) The United States is the leader in the glob-
24 al geospatial technology field. The thousands of
25 geospatial firms in the United States, which include

1 many small businesses, are among the most capable
2 and qualified geospatial firms in the international
3 market.

4 (4) Geospatial technologies can enhance the op-
5 erations of government in planning and analysis,
6 asset management, situation awareness, workforce
7 empowerment, citizen engagement, transparency,
8 education, and other services.

9 (5) The full use and exploitation of geospatial
10 technologies can foster economic growth, contribute
11 to environmental stewardship, and enable scientific
12 and technological excellence.

13 (6) Studies have indicated that Federal agen-
14 cies are not effectively using geospatial technologies
15 and can improve the management of information re-
16 sources and other applications.

17 (7) Efforts to reduce redundancies in geospatial
18 investments have not been fully successful. Federal
19 agencies are still independently acquiring and main-
20 taining potentially duplicative and costly data sets
21 and systems and until these problems are resolved,
22 duplicative geospatial investments are likely to per-
23 sist.

24 **SEC. 3. PURPOSES.**

25 The purposes of this Act shall be to—

(1) ensure that a centralized and comprehensive database of geospatial data for the United States is available for use by the Federal Government to—

(A) improve the quality of services provided by the Federal Government; and

(B) reduce the costs to the Federal Government of providing such services;

(2) coordinate Federal agencies, State and local governments, and private entities to—

(A) maximize the use of private geospatial firms for the performance of Federal geospatial activities; and

(B) eliminate redundancy in the Federal performance of geospatial activities;

(3) foster the establishment and growth of private geospatial firms in the United States; and

(4) facilitate the development of new geospatial technology in the United States.

SEC. 4. DEFINITIONS.

In this Act:

(1) The term “Administrator” means the Administrator of the National Geospatial Technology Administration.

(2) The term “geospatial activity” means—

1 (A) the collection of geospatial data, in-
2 cluding collection from terrestrial, ground-
3 based, airborne, or spaceborne platforms;

4 (B) the organization of geospatial data, in-
5 cluding organization in a survey (including a
6 GPS or field survey), map, chart, plan, report,
7 or description;

8 (C) the storage, dissemination, and re-
9 trieval of geospatial data;

10 (D) the interpretation and use of
11 geospatial data;

12 (E) the development of products or tech-
13 nology to facilitate the activities described in
14 subparagraphs (A) through (D); and

15 (F) activities (other than exclusively busi-
16 ness-related activities) for the enhancement of
17 geospatial data and its use.

18 (3) The term “geospatial data” means data—

19 (A) relating to natural and human-made
20 physical features and phenomena on or below
21 the surface of the Earth or in the space above
22 the Earth, which may include data on the size,
23 shape, and location of such features, and data
24 on the legal boundaries relating to such fea-
25 tures; and

1 (B) developed by professionals, including
2 surveyors, photogrammetrists, hydrographers,
3 geodesists, and cartographers.

4 (4) The term “private geospatial firm” means
5 a private individual, firm, partnership, corporation,
6 association, or other legal entity organized and per-
7 mitted by law to engage in geospatial activities, that
8 engages in such activities—

9 (A) as a regular course of trade or busi-
10 ness; and

11 (B) with the principal objective of liveli-
12 hood and profit.

13 (5) The term “real property” means land and—

14 (A) crops, forests, and other resources at-
15 tached to or contained in the land;

16 (B) buildings or other structures on the
17 land; and

18 (C) improvements to the land, including
19 fixtures permanently attached to the land or to
20 structures on the land.

21 (6) The term “State” means each of the several
22 States, the District of Columbia, the Commonwealth
23 of Puerto Rico, the United States Virgin Islands,
24 Guam, American Samoa, the Commonwealth of the

1 Northern Mariana Islands, and any other territory
2 or possession of the United States.

3 **TITLE I—NATIONAL GEOSPATIAL**
4 **TECHNOLOGY ADMINISTRATION**

5 **SEC. 101. DEFINITIONS.**

6 In this title:

7 (1) The term “cadastral information” means
8 information on real property that includes informa-
9 tion on—

10 (A) the location, boundaries, and size of
11 the property; and

12 (B) the use, value, ownership (including
13 any interest, benefit, right, or privilege in the
14 property), and assets of the property.

15 (2) The term “cadastral parcel” means a single
16 area of land or, more particularly, a volume of
17 space, under homogeneous real property rights,
18 unique ownership, subdivision, or description, and
19 address.

20 (3) The term “geodetic control information”
21 means information on the coordinate positions of ge-
22 ographic data established using a common reference
23 system.

24 (4) The term “orthoimagery” means georefer-
25 enced image maps prepared from an aerial photo-

1 graph or remotely sensed data from which displace-
2 ments of images caused by sensor orientation and
3 terrain relief have been removed.

4 **SEC. 102. NATIONAL GEOSPATIAL TECHNOLOGY ADMINIS-**
5 **TRATION.**

6 (a) ESTABLISHMENT.—To carry out the purposes of
7 this Act, there is established within the Department of the
8 Interior the National Geospatial Technology Administra-
9 tion.

10 (b) ADMINISTRATOR.—

11 (1) IN GENERAL.—The National Geospatial
12 Technology Administration shall be headed by an
13 Administrator, who shall report directly to the Sec-
14 retary of the Interior.

15 (2) APPOINTMENT.—The Administrator shall
16 be appointed by the President, by and with the ad-
17 vice and consent of the Senate.

18 **SEC. 103. ESTABLISHMENT AND MAINTENANCE OF NA-**
19 **TIONAL GEOSPATIAL DATABASE.**

20 (a) ESTABLISHMENT.—The Administrator shall es-
21 tablish and maintain a comprehensive database of
22 geospatial data for all lands owned or managed by the
23 United States (including public lands), all Indian trust
24 parcels, and, to the extent possible, all non-Federal lands

1 in each State. The database shall be known as the “Na-
2 tional Geospatial Database”.

3 (b) CONTENTS OF DATABASE.—The National
4 Geospatial Database shall include, for all lands described
5 in subsection (a), the following geospatial data (as applica-
6 ble):

7 (1) Cadastral information, organized on large
8 scale maps—

9 (A) using a geodetic network as a ref-
10 erence frame;

11 (B) with a cadastral boundary overlay de-
12 lineating all cadastral parcels; and

13 (C) with a system for indexing and identi-
14 fying each cadastral parcel.

15 (2) Geodetic control information.

16 (3) Orthoimagery.

17 (4) Elevation and bathymetry.

18 (5) Information on transportation networks.

19 (6) Hydrography.

20 (7) Information on underground infrastructure,
21 including the location, type, size, composition, and
22 use of underground structures including tunnels and
23 pipelines, including through reference to—

24 (A) aerial photogrammetric maps;

25 (B) GPS and field surveys;

- 1 (C) as-built drawings;
- 2 (D) service connection cards; and
- 3 (E) historical maps and documents.

4 (8) Information on the geographic areas of gov-
5 ernmental and administrative units.

6 (9) In the case of Federal property, any deter-
7 mination the Administrator has made about the
8 property under section 103(b).

9 (10) Other geospatial data determined by the
10 Administrator, in consultation with the National
11 Geospatial Policy Commission, to be useful in car-
12 rying out national priorities including—

13 (A) economic development;

14 (B) the management, adjudication, and
15 prevention of future disruptions in the home
16 mortgage system;

17 (C) the development and implementation of
18 a smart energy grid;

19 (D) the deployment of universal domestic
20 broadband service;

21 (E) the management of Federal real prop-
22 erty assets;

23 (F) emergency preparedness and response;

24 (G) homeland security;

1 (H) the delivery of efficient health care
2 and other services provided, financed, or regu-
3 lated by the Federal government; and

4 (I) the maintenance, rehabilitation and en-
5 hancement of the public works, transportation,
6 and other infrastructure of the United States.

7 (c) PUBLIC AVAILABILITY.—

8 (1) IN GENERAL.—Except as provided by para-
9 graph (2), the National Geospatial Database shall be
10 available to the public.

11 (2) EXCEPTION FOR NATIONAL SECURITY.—
12 The Administrator shall withhold from public dislo-
13 sure any information the disclosure of which reason-
14 ably could be expected to cause damage to the na-
15 tional security of the United States.

16 (d) FUNDING STRATEGY.—The Administrator shall
17 develop and implement a strategy to fund the establish-
18 ment and maintenance of the National Geospatial Data-
19 base through means that may include—

20 (1) the use of appropriated funds;

21 (2) the establishment of user fees for the Na-
22 tional Geospatial Database;

23 (3) the establishment of a revolving fund with
24 respect to the user fees;

1 (4) interagency and intergovernmental partner-
2 ships; and

3 (5) public-private partnerships.

4 **SEC. 104. REORGANIZATION OF GEOSPATIAL AND LAND**
5 **MANAGEMENT ACTIVITIES.**

6 (a) IMPLEMENTATION OF NATIONAL GEOSPATIAL
7 DATA PLAN.—The Administrator shall carry out the rec-
8 ommendations of the National Geospatial Data Plan de-
9 veloped by the National Geospatial Policy Commission
10 under section 202(c).

11 (b) DETERMINATION WITH RESPECT TO MANAGE-
12 MENT OF FEDERAL PROPERTY.—The Administrator shall
13 determine whether any property owned or managed by the
14 United States may be better managed through ownership
15 by a non-Federal entity, including a State or local govern-
16 ment, a tribal government, a nonprofit organization, or a
17 private entity.

18 **SEC. 105. PROMULGATION OF STANDARDS FOR FEDERAL**
19 **GEOSPATIAL DATA.**

20 (a) PROMULGATION.—The Administrator, in con-
21 sultation with the Administrator of the Office of Elec-
22 tronic Government, shall promulgate standards to ensure
23 the interoperability of geospatial data collected by or with
24 the support of the Federal Government. Such standards
25 shall be consistent with—

1 (1) standards applicable to geospatial data in
2 the Federal Real Property Profile established under
3 section 4(c) of Executive Order No. 13327 of Feb-
4 ruary 4, 2004; and

5 (2) protocols for the collection of geospatial
6 data developed under section 216 of the E-Govern-
7 ment Act of 2002 (Public Law 107-347; 44 U.S.C.
8 3501 note).

9 (b) CONFORMANCE WITH STANDARDS.—

10 (1) REQUIREMENT FOR FEDERAL CONFORM-
11 ANCE.—The head of each agency of the Federal
12 Government shall coordinate with the Administrator
13 to ensure that all geospatial data collected by or
14 with the support of the agency conforms with the
15 standards promulgated under subsection (a), includ-
16 ing geospatial data collected under the following au-
17 thorities:

18 (A) Office of Management and Budget Cir-
19 cular A-16.

20 (B) Executive Order No. 12906 of April
21 11, 1994.

22 (C) The Real Estate Settlement Proce-
23 dures Act of 1974 (12 U.S.C. 2601 et seq.).

24 (D) The Home Mortgage Disclosure Act of
25 1975 (12 U.S.C. 2801 et seq.).

1 (2) ENCOURAGEMENT OF NON-FEDERAL CON-
2 FORMANCE.—The Administrator shall encourage
3 conformance of all other geospatial data collected for
4 lands in the United States with the standards pro-
5 mulgated under paragraph (1).

6 **SEC. 106. PROTECTION OF GEOSPATIAL DATA.**

7 The Administrator shall promulgate regulations and
8 carry out activities to prevent any inmate in a Federal
9 Prison Industries program under chapter 307 of title 18,
10 United States Code, or a work program operated by a
11 prison or jail of a State or subdivision thereof from having
12 access to any geospatial data regarding the location of—

13 (1) surface and subsurface infrastructure pro-
14 viding communications or water or electrical power
15 distribution or transmission;

16 (2) pipelines for the distribution or trans-
17 mission of natural gas, bulk petroleum products, or
18 other commodities;

19 (3) other utilities; or

20 (4) any personal or financial information about
21 any individual private citizen, including information
22 relating to such person's real property however de-
23 scribed.

1 **SEC. 107. ASSUMPTION OF GEOSPATIAL FUNCTIONS OF**
2 **OTHER FEDERAL AGENCIES.**

3 (a) FUNCTIONS OF DEPARTMENT OF THE INTE-
4 RIOR.—All geospatial functions vested by law in the De-
5 partment of the Interior are hereby transferred to the Ad-
6 ministrator, including the following:

7 (1) The responsibilities for the survey of public
8 lands and related functions vested by chapter 1 of
9 title 32 of the Revised Statutes of the United States
10 (43 U.S.C. 52–59).

11 (2) All geospatial functions of the Geography
12 Division of the United States Geological Survey, in-
13 cluding functions vested by the Act of June 4, 1897
14 (16 U.S.C. 474).

15 (3) The responsibilities, vested by the revised
16 Office of Management and Budget Circular A–16,
17 dated August, 19, 2006, for stewardship by the Bu-
18 reau of Land Management of cadastral and Federal
19 land ownership spatial data themes.

20 (b) FUNCTIONS OF DEPARTMENT OF AGRI-
21 CULTURE.—All geospatial functions vested by law in the
22 Department of Agriculture with respect to the National
23 Forest System are hereby transferred to the Adminis-
24 trator, including the authority to survey and map lands
25 in and around the National Forest System lands vested
26 by authorities, including the following:

1 (1) Public Law 85–569 (7 U.S.C. 1012a).

2 (2) Public Law 97–465 (16 U.S.C. 521d et
3 seq.).

4 (c) FUNCTIONS OF NATIONAL OCEANIC AND ATMOS-
5 PHERIC ADMINISTRATION.—All geospatial functions vest-
6 ed by law in the National Oceanic and Atmospheric Ad-
7 ministration are hereby transferred to the Administrator,
8 including all functions of the National Geodetic Survey
9 and other geospatial functions vested by authorities, in-
10 cluding the following:

11 (1) Section 4685 of the Revised Statutes of the
12 United States (33 U.S.C. 884).

13 (2) The Act entitled “An Act to define the
14 functions and duties of the Coast and Geodetic Sur-
15 vey, and for other purposes”, approved August 6,
16 1947 (33 U.S.C. 883a et seq.).

17 (3) Reorganization Plan No. 4 of 1970 (84
18 Stat. 2090).

19 (4) Section 6082 of the Consolidated Omnibus
20 Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

21 (5) The Hydrographic Services Improvement
22 Act of 1998 (33 U.S.C. 892a et seq.).

23 (6) Section 206 of the Department of Com-
24 merce and Related Agencies Appropriations Act,
25 2003 (33 U.S.C. 883l).

1 (d) EFFECTIVE DATE.—This section shall be effective
2 tive on the date that is 270 days after the date of the
3 enactment of this Act.

4 **SEC. 108. ACQUISITION OF GEOSPATIAL DATA FROM PUBLIC**
5 **SOURCES.**

6 (a) FEDERAL AGENCIES.—At the request of the Administrator,
7 the head of each Federal agency shall make
8 available to the Administrator for inclusion in the National
9 Geospatial Database geospatial data collected by the
10 agency subject to privacy protections, including—

11 (1) all geospatial data collected under the Real
12 Estate Settlement Procedures Act of 1974 (12
13 U.S.C. 2601 et seq.);

14 (2) all geospatial data collected under the Home
15 Mortgage Disclosure Act of 1975 (12 U.S.C. 2801
16 et seq.); and

17 (3) notwithstanding sections 9 and 214 of title
18 13, United States Code, and to the extent consistent
19 with individual privacy protections, all data on building
20 addresses and geographical coordinates collected
21 by the Director of the Bureau of the Census.

22 (b) NON-FEDERAL ENTITIES.—

23 (1) COST-SHARING AGREEMENTS.—The Administrator
24 may enter into cost-sharing agreements
25 with, and provide other financial incentives to, State

1 and local governments and private entities and indi-
2 viduals to collect and share with the Administrator
3 geospatial data for inclusion in the National
4 Geospatial Database.

5 (2) LIMITATIONS ON AMOUNT.—The Federal
6 share of any cost-sharing agreement under para-
7 graph (1) shall not exceed 50 percent of the total
8 cost to the State of collecting and sharing the data.

9 **SEC. 109. ACQUISITION OF GEOSPATIAL DATA FROM COM-**
10 **MERCIAL SOURCES.**

11 (a) COMMERCIAL SOURCES.—The Administrator
12 shall, to the maximum extent practicable, enter into con-
13 tracts to obtain geospatial data from commercial sources.

14 (b) LICENSED DATA.—

15 (1) IN GENERAL.—In carrying out this Act, the
16 Administrator may acquire licensed geospatial data
17 from commercial sources.

18 (2) CONSIDERATIONS.—In determining whether
19 to acquire licensed geospatial data from commercial
20 sources, the Administrator shall take into account—

21 (A) existing law;

22 (B) the quality of the data relative to the
23 intended use;

24 (C) the preferences of the intended (as op-
25 posed to incidental) beneficiaries of the data;

- 1 (D) any restrictions on redistribution of
2 the licensed data, and their effect on—
3 (i) the ability of each agency using the
4 data to carry out a mandate of the agency;
5 and
6 (ii) the benefit of the geospatial data
7 to its intended users.

8 **TITLE II—NATIONAL**
9 **GEOSPATIAL POLICY COM-**
10 **MISSION**

11 **SEC. 201. ESTABLISHMENT; PRIMARY DUTIES.**

12 There is hereby established a commission, to be
13 known as the “National Geospatial Policy Commission”
14 (referred to hereinafter as the “Commission”). The Com-
15 mission shall—

- 16 (1) develop and periodically amend a com-
17 prehensive plan, to be known as the “National
18 Geospatial Data Plan”;
- 19 (2) coordinate Federal agencies, State and local
20 governments, and private entities to eliminate redun-
21 dancy in the performance of geospatial activities;
- 22 (3) convert geospatial activities to performance
23 by private geospatial firms when possible; and

1 (4) reduce the costs to the Federal Government
2 of geospatial activities not eliminated or converted to
3 performance by private geospatial firms.

4 **SEC. 202. REQUIREMENTS FOR NATIONAL GEOSPATIAL**
5 **DATA PLAN.**

6 (a) IDENTIFICATION OF ALL GEOSPATIAL ACTIVI-
7 TIES PERFORMED BY OR FOR THE FEDERAL GOVERN-
8 MENT.—The Commission shall identify in the National
9 Geospatial Data Plan each geospatial activity performed
10 by or for the Federal Government, and—

- 11 (1) the nature and purpose of the activity;
12 (2) the authority under which the activity is
13 performed; and
14 (3) the amount expended by the Federal Gov-
15 ernment in fiscal year 2009 for the activity.

16 (b) IDENTIFICATION OF REDUNDANT, INEFFICIENT,
17 AND UNNECESSARY GEOSPATIAL ACTIVITIES.—The Com-
18 mission shall identify in the National Geospatial Data
19 Plan each geospatial activity under subsection (a)—

- 20 (1) the performance of which is unnecessary;
21 and
22 (2) that may be converted to performance by a
23 private geospatial firm.

24 (c) IDENTIFICATION OF BEST MEANS OF ACQUIRING
25 GEOSPATIAL DATA.—The Commission shall develop and

1 include in the National Geospatial Data Plan rec-
2 ommendations (including, as applicable, recommendations
3 for changes in existing law) for—

4 (1) elimination of geospatial activities identified
5 under subsection (b)(1);

6 (2) conversion of geospatial activities identified
7 under subsection (b)(2) to performance by a private
8 geospatial firm;

9 (3) conversion of performance of geospatial ac-
10 tivities identified under subsection (b)(3)(A) to per-
11 formance by a State or local government; and

12 (4) consolidation of geospatial activities identi-
13 fied under subsection (b)(3)(B).

14 (d) ESTIMATE OF COST SAVINGS FROM ADOPTING
15 RECOMMENDATIONS.—The Commission shall include in
16 the National Geospatial Data Plan an estimate of the sav-
17 ings to the United States that would result from adopting
18 the recommendations in subsection (c).

19 (e) DEADLINE FOR DEVELOPMENT OF NATIONAL
20 GEOSPATIAL DATA PLAN.—Not later than 1 year after
21 funds are made available for this purpose, the Commission
22 shall complete the National Geospatial Data Plan in ac-
23 cordance with this section.

1 **SEC. 203. MEMBERSHIP.**

2 (a) NUMBER AND APPOINTMENT.—The Commission
3 shall be composed of the following members:

4 (1) The Administrator of the National
5 Geospatial Technology Administration or designee.

6 (2) The Director of the Office of Management
7 and Budget or designee.

8 (3) The Director of the Office of Science and
9 Technology Policy or designee.

10 (4) The Director of the National Economic
11 Council or designee.

12 (5) The Director of the National Geospatial In-
13 telligence Agency or designee.

14 (6) The Chairman of the Committee on Home-
15 land Security and Governmental Affairs of the Sen-
16 ate or designee.

17 (7) The Chairman of the Committee on Over-
18 sight and Government Reform of the House of Rep-
19 resentatives or designee.

20 (8) Eleven citizens with experience in geospatial
21 activities appointed by the President, including—

22 (A) two employed in State government;

23 (B) two employed in regional or local gov-
24 ernment;

25 (C) one employed in tribal government;

1 (D) one employed by a nonprofit organiza-
2 tion;

3 (E) one employed by a university; and

4 (F) four employed by a private geospatial
5 firm.

6 (b) TERMS.—

7 (1) FEDERAL OFFICIALS.—Each member ap-
8 pointed under subparagraphs (1) through (7) of sub-
9 section (a) shall be appointed for the life of the
10 Commission.

11 (2) MEMBERS APPOINTED BY THE PRESI-
12 DENT.—Each member appointed under subsection
13 (a)(8) shall be appointed for a term of six years.

14 (c) VACANCIES.—Any member appointed to fill a va-
15 cancy occurring before the expiration of the term for which
16 the member's predecessor was appointed shall be ap-
17 pointed only for the remainder of that term.

18 (d) PAY AND EXPENSES.—Each member appointed
19 under subsection (a)(8) shall be entitled to \$100 a day
20 when performing duties vested in the Commission and re-
21 imbursement for necessary expenses incurred in per-
22 forming those duties.

23 (e) CHAIR AND OFFICERS.—The President shall des-
24 ignate the Chair of the Commission from among the non-

1 Federal members. The Commission may elect from among
2 its members other officers as it considers desirable.

3 (f) PERSONNEL.—The Commission may employ a Di-
4 rector, an executive officer, and other technical and ad-
5 ministrative personnel as it considers necessary. Without
6 regard to section 3709 of the Revised Statutes (41 U.S.C.
7 5) and section 3109, chapters 33 and 51, and subchapter
8 III of chapter 53, of title 5, the Commission may employ,
9 by contract or otherwise, the temporary or intermittent
10 (not more than one year) services of city planners, archi-
11 tects, engineers, appraisers, and other experts or organiza-
12 tions of experts, as may be necessary to carry out its func-
13 tions. The Commission shall fix the rate of compensation
14 so as not to exceed the rate usual for similar services.

15 **TITLE III—CONTRACTOR PER-**
16 **FORMANCE OF FEDERAL**
17 **GEOSPATIAL ACTIVITIES**

18 **SEC. 301. POLICY.**

19 It is the policy of the United States, consistent with
20 the U.S. Commercial Remote Sensing Policy, to—

21 (1) rely to the maximum practical extent on the
22 private sector in the United States for the acqui-
23 sition of geospatial data; and

24 (2) develop a long-term, sustainable relationship
25 with the private geospatial community.

1 **SEC. 302. DEFINITIONS.**

2 In this title, the term “agency head” means the Sec-
3 retary, the Administrator, or head of a department, agen-
4 cy, or bureau of the Federal Government.

5 **SEC. 303. CONVERSION TO CONTRACTOR PERFORMANCE.**

6 (a) CONVERSION OF ACTIVITIES IDENTIFIED BY
7 COMMISSION.—Each agency head shall convert, to the
8 maximum extent possible, to performance by private
9 geospatial firms, all activities identified by the National
10 Geospatial Policy Commission for conversion under section
11 202(b)(2) that are performed by or for the agency.

12 (b) SOLICITATION OF OFFERS FOR CONTRACTOR
13 PERFORMANCE OF ELIGIBLE ACTIVITIES.—

14 (1) NOTICE.—Each agency head shall issue a
15 notice soliciting offers for the performance of each
16 activity described in subsection (a). The notice shall
17 include a description of qualifications and experience
18 determined by the agency head to be necessary for
19 performance of the activity, and such other criteria
20 as the agency head determines to be appropriate.

21 (2) SUBMISSION OF OFFERS.—To be considered
22 for performance of an activity, a private geospatial
23 firm shall submit to the agency head an offer that
24 addresses the criteria described in paragraph (1), in-
25 cluding a statement of qualifications and perform-
26 ance data.

1 (3) SELECTION.—

2 (A) FIRST STAGE.—Of the private
3 geospatial firms that submit offers under para-
4 graph (2), the agency head shall select the
5 three (or more) private geospatial firms deter-
6 mined by the agency head to be most qualified
7 for performance of the activity, based on the
8 private geospatial firms' offers and such other
9 information related to the qualifications and ex-
10 perience of the private geospatial firms as the
11 agency head determines to be appropriate.

12 (B) SECOND STAGE.—The agency head
13 shall discuss with each private geospatial firm
14 selected under subparagraph (A) different tech-
15 nologies and professional approaches to fur-
16 nishing the required services. Based on the dis-
17 cussion, the agency head shall rank each such
18 private geospatial firm in order of most to least
19 qualified.

20 (C) THIRD STAGE.—The agency head shall
21 negotiate with each private geospatial firm de-
22 termined to be the most qualified to perform
23 the activity required by the agency, for a con-
24 tract for performance of the activity.

1 (D) FINAL SELECTION.—The agency head
2 shall enter into a contract with each private
3 geospatial firm that, in negotiations under sub-
4 paragraph (C), agrees to a price determined by
5 the agency head to be fair and reasonable,
6 based on the value of the services to be ren-
7 dered and the scope, complexity, and specialized
8 nature of the activity.

9 (E) SELECTION OF ADDITIONAL FIRMS.—
10 If the agency head cannot enter into a contract
11 with a private geospatial firm under subpara-
12 graph (D), the agency head shall determine the
13 next most qualified private geospatial firms for
14 performance of the activity in accordance with
15 subparagraph (A) and enter into discussions
16 and negotiations with such private geospatial
17 firms under subparagraphs (B) and (C), respec-
18 tively.

19 **SEC. 304. REQUIREMENT FOR PERFORMANCE IN UNITED**
20 **STATES.**

21 (a) FEDERAL CONTRACTS.—All Federal contracts for
22 performance of a geospatial activity shall include—

23 (1) a condition that the geospatial activity be
24 performed in the United States; and

1 (2) a written certification that the funds will
2 not be used for geospatial activities performed out-
3 side the United States.

4 (b) EXCEPTIONS.—The requirements of this section
5 shall not apply with respect to a geospatial activity—

6 (1) that was converted to performance by a pri-
7 vate geospatial firm under section 303 and was pre-
8 viously performed outside the United States by the
9 Federal Government;

10 (2) required by law (including a treaty or trade
11 agreement) to be performed outside the United
12 States;

13 (3) required by geographical necessity to be
14 performed outside the United States;

15 (4) determined by the Administrator after a
16 competitive procurement process under section
17 303(b) to be unavailable in the United States; or

18 (5) for which the President has issued a deter-
19 mination in writing that performance outside of the
20 United States is necessary for national security.

21 **TITLE IV—ENCOURAGING**
22 **PRIVATE ENTERPRISE**

23 **SEC. 401. FINDINGS; PURPOSES.**

24 (a) FINDINGS.—Congress finds that the competitive
25 enterprise system, characterized by individual freedom and

1 initiative, is the primary source of the economic strength
2 of the United States, and the Federal Government should
3 not perform geospatial functions better suited for perform-
4 ance by the private sector.

5 (b) PURPOSES.—The purpose of this title is to pro-
6 mote the establishment and growth of private geospatial
7 firms in the United States by—

8 (1) encouraging the use by the Federal Govern-
9 ment of geospatial data, products, technology, and
10 services to accomplish national priorities;

11 (2) encouraging the acquisition of geospatial
12 data, products, technology, and services from private
13 geospatial firms;

14 (3) encouraging the development, and ensuring
15 the continued employment, of a workforce that will
16 meet future employment demands in the geospatial
17 field; and

18 (4) fostering an environment in which all pri-
19 vate geospatial firms may compete effectively and
20 grow to their full potential.

21 **SEC. 402. STRATEGY FOR ENCOURAGING FEDERAL USE OF**
22 **PRIVATE GEOSPATIAL FIRMS.**

23 (a) DEVELOPMENT OF STRATEGY.—Not later than
24 one year after the date of the enactment of this Act, the
25 Administrator shall cooperate with private geospatial

1 firms, and any associations composed exclusively of such
2 firms, to develop a comprehensive strategy to encourage
3 and enhance the use of private geospatial firms by Federal
4 agencies and other entities that receive Federal funds, in-
5 cluding State and local governmental agencies, univer-
6 sities, nonprofit organizations, and foreign governments.

7 (b) INFORMATION GATHERING.—In developing the
8 strategy described in subsection (a), the Administrator
9 shall—

10 (1) examine the current role of private
11 geospatial firms, including small businesses, in the
12 economy of the United States;

13 (2) States expending Federal funds;

14 (3) assess the contribution such firms may
15 make in the future to the growth of the economy of
16 the United States;

17 (4) evaluate the efforts of each Federal agency
18 to use private geospatial firms, including the pro-
19 curement strategies, policies, and methodologies of
20 each Federal agency; and

21 (5) assemble statistical information on the use
22 of private geospatial firms by Federal agencies.

23 (c) ENHANCEMENT OF FEDERAL AGENCY USE OF
24 PRIVATE GEOSPATIAL FIRMS.—

1 (1) The Administrator shall develop and com-
2 municate to each Federal agency recommendations
3 to encourage and enhance the use by the Federal
4 agency of private geospatial firms.

5 (2) The Administrator shall establish training
6 programs and facilitate knowledge sharing among
7 Federal agencies on the use of geospatial data, prod-
8 ucts, technology, and services and the process for
9 procurement of such activities from the private sec-
10 tor.

11 (3) The Administrator shall cooperate with pub-
12 lic and private agencies, businesses, and other orga-
13 nizations to disseminate information about the use
14 and application of geospatial data, products, tech-
15 nology, and services, the capabilities of private
16 geospatial firms, and the ways in which private
17 geospatial firms may benefit Federal agencies.

18 (d) ADVOCACY AND ASSISTANCE FOR PRIVATE
19 GEOSPATIAL FIRMS AFFECTED BY FEDERAL POLICIES
20 AND ACTIVITIES.—

21 (1) The Administrator shall receive, and, as ap-
22 propriate, address or otherwise act upon complaints,
23 criticisms, and suggestions from private geospatial
24 firms regarding the policies and activities of Federal
25 agencies.

1 (2) If the policies and activities of a Federal
2 agency affect or may affect private geospatial firms,
3 the Administrator shall represent the views and in-
4 terests of the private geospatial firms to the Federal
5 agency.

6 (3) The Administrator shall make counseling
7 available to private geospatial firms on how to re-
8 solve questions and problems concerning the rela-
9 tionship of such firms to the Federal Government.

10 (e) DEVELOPMENT OF STANDARD CLAUSES, CON-
11 TRACTS, AND FORM LICENSES.—The Administrator shall,
12 in consultation with trade associations and public interest
13 groups, develop and promote standard clauses, contracts,
14 and form licenses for use by the Federal Government in
15 the acquisition of geospatial data.

16 (f) STANDARDS FOR ASSESSMENT OF PROGRESS.—
17 To evaluate and increase the effectiveness of the strategy,
18 the Administrator shall develop standards (including
19 metrics, benchmarks, and measures of performance) by
20 which to assess—

21 (1) the state of geospatial activities in the
22 United States; and

23 (2) progress in the development of private
24 geospatial enterprise in the United States.

1 **TITLE V—GEOSPATIAL**
2 **RESEARCH AND DEVELOPMENT**

3 **SEC. 501. PURPOSES.**

4 The purposes of this title are to encourage innovation
5 and entrepreneurship in the geospatial field by—

6 (1) promoting the advancement of geospatial
7 products and technologies, and value-added services
8 related to such products and technologies;

9 (2) providing an avenue through which new and
10 untested geospatial products and services may be
11 brought to the marketplace.

12 **SEC. 502. DEFINITIONS.**

13 (a) In this title:

14 (1) The term “Geospatial Research Plan”
15 means the plan developed under section 503(a).

16 (2) The term “research and development”—

17 (A) means—

18 (i) a systematic study directed specifi-
19 cally toward applying new knowledge to
20 meet a recognized need;

21 (ii) a systematic application of knowl-
22 edge toward the production of useful mate-
23 rials, devices, and systems or methods, in-
24 cluding design, development, and improve-

1 ment of prototypes and new processes to
2 meet specific requirements; or

3 (iii) development of data, products,
4 technology, or services not currently avail-
5 able in the marketplace and that cannot
6 otherwise be procured commercially
7 through ordinary business channels; and

8 (B) may include—

9 (i) research in the physical and nat-
10 ural sciences;

11 (ii) applied research;

12 (iii) technology development; and

13 (iv) social science research.

14 **SEC. 503. GEOSPATIAL RESEARCH PLAN.**

15 (a) DEVELOPMENT.—Not later than one year after
16 the date of the enactment of this Act, the Administrator
17 shall develop a plan, to be known as the “Geospatial Re-
18 search Plan”, to provide a coordinated and integrated ap-
19 proach to the investment of the United States in
20 geospatial research and development activities in the 5-
21 year period beginning on the date of the issuance of the
22 Plan.

23 (b) REQUIREMENTS.—In the Geospatial Research
24 Plan, the Administrator shall collaborate with a wide
25 range of interested persons to identify and recommend in-

1 vestments in geospatial research and development activi-
2 ties that will—

3 (1) facilitate the establishment the National
4 Spatial Data Infrastructure;

5 (2) facilitate the maintenance of a current and
6 accurate National Spatial Data Infrastructure;

7 (3) enhance the ability to store and archive
8 geospatial data;

9 (4) increase public access to and dissemination
10 of stored and archived geospatial data;

11 (5) improve sensor and other data collection
12 technologies;

13 (6) improve the ability to acquire, visualize,
14 analyze, and apply geospatial data;

15 (7) improve the durability and extend the life of
16 geospatial infrastructure;

17 (8) address geospatial requirements necessary
18 to meet national needs, Government programs, and
19 emerging public policy issues, including but not lim-
20 ited to—

21 (A) protecting and enhancing the environ-
22 ment;

23 (B) building and maintaining the physical
24 infrastructure of the United States;

1 (C) managing land and real property as-
2 sets and resources related thereto;

3 (D) providing for the national defense and
4 homeland security;

5 (E) managing housing and financial serv-
6 ices systems;

7 (F) producing and utilizing energy in a
8 safe and efficient manner;

9 (G) preparing for, responding to, and re-
10 covering from natural and anthropogenic emer-
11 gencies;

12 (H) conducting the Census;

13 (I) administering the system of justice; and

14 (J) providing for new forms of communica-
15 tion; and

16 (9) meet any other research and development
17 needs of the Federal Government and geospatial
18 data producers and users.

19 (c) ESTIMATED FUNDING LEVELS AND BENEFIT.—

20 In the Geospatial Research Plan, the Administrator shall
21 describe, for each activity identified under subsection

22 (b)—

23 (1) the anticipated annual funding levels for the
24 activity for the period described in subsection (a);

25 and

1 (2) the benefit the Administrator expects to
2 gain from the activity by the end of the period de-
3 scribed in subsection (a).

4 (d) CONSIDERATIONS.—The Administrator shall en-
5 sure that the Geospatial Research Plan—

6 (1) includes and integrates the research and de-
7 velopment activities of the National Geospatial Tech-
8 nology Administration;

9 (2) defines the respective roles and responsibil-
10 ities of Federal, State, local, regional, tribal, private
11 sector, academic, and nonprofit institutions in
12 geospatial research and development activities; and

13 (3) takes into account the activities of other
14 Federal, State, private sector, and nonprofit institu-
15 tions, and avoids unnecessary duplication with such
16 activities.

17 **SEC. 504. POLICY DIRECTIVES FOR RESEARCH AND DEVEL-**
18 **OPMENT.**

19 (a) DEVELOPMENT OF POLICY DIRECTIVES.—Not
20 later than 180 days after the date of the enactment of
21 this Act, the Administrator shall develop policy directives
22 for implementation by the Federal Government of
23 geospatial research and development activities through in-
24 novative partnerships, cooperative research and develop-
25 ment agreements, and other means.

1 (b) CONTENTS OF POLICY DIRECTIVES.—The policy
2 directives developed under subsection (a) shall provide
3 for—

4 (1) simplified, standardized, and timely solicita-
5 tions;

6 (2) a simplified, standardized funding process
7 that provides for—

8 (A) the timely receipt and review of pro-
9 posals;

10 (B) outside peer review of proposals, if ap-
11 propriate;

12 (C) protection of proprietary information
13 provided in proposals;

14 (D) selection of awardees;

15 (E) retention of data rights generated in
16 the performance of the contract by a business
17 concern;

18 (F) transfer of the right to intellectual
19 property provided by the National Geospatial
20 Technology Administration to the private sector
21 partner;

22 (G) cost sharing; and

23 (H) cost principles and payment schedules;

24 (3) ensuring that research and development ac-
25 tivities of government, universities, and nonprofit in-

1 stitutions do not duplicate or compete with those of
2 the private sector; and

3 (4) the prompt commercialization of the results
4 of geospatial research and development activities.

5 (c) RECOMMENDATIONS FOR LEGISLATION.—The
6 Administrator shall propose to Congress any recommenda-
7 tions for legislation to authorize innovative partnerships
8 not authorized under existing law.

9 **SEC. 505. ANNUAL REPORT.**

10 The Administrator shall submit to appropriate com-
11 mittees of Congress an annual report, in conjunction with
12 the President’s annual budget request as set forth in sec-
13 tion 1105 of title 31, United States Code, describing the
14 amount spent in the last completed fiscal year on
15 geospatial research and development and the amount pro-
16 posed in the current budget for geospatial research and
17 development.

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